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December 23, 2024

BY ECF AND FEDERAL EXPRESS

Honorable Colleen McMahon, U.S.D.J.
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Sillam v. Labaton Sucharow LLP*, No. 21 CV 6675 (CM)(OTW)
Motion To Dismiss Sillam's Action with Prejudice and Enter Judgment

Dear Judge McMahon:

We represent Defendants in this action. In the Court's opinion and order dated December 9, 2024 (Doc. 164), Your Honor asked that we advise you if Plaintiff Gérard Sillam failed to pay the monetary sanction imposed against him by December 20, 2024, in which event the Court would dismiss Sillam's action with prejudice. In a memo-endorsed order dated December 12, 2024 (Doc. 167), Your Honor requested that we file a formal motion to dismiss Sillam's action.

Sillam did not pay the sanction, as attested in my accompanying Declaration. Accordingly, Defendants have filed a motion to dismiss this action as to Sillam, with prejudice, and for related relief. Courtesy copies of the motion papers are enclosed with the hard copy of this letter.

With respect to Plaintiff Aldric Saulnier, Defendants are doubtful as to whether Saulnier intends to continue to prosecute this action if Sillam is no longer a Plaintiff. We ask the Court to direct Saulnier to advise the Court, within 15 days, whether he intends to prosecute this action. If Saulnier does not respond or responds that he does not intend to pursue his claims, then the entire action should be dismissed with prejudice, and judgment (including the money judgment against Sillam) should be entered against both Plaintiffs. If Saulnier asserts that he will continue to prosecute the action, then Defendants request that a judgment, including the monetary sanction, be entered against Sillam immediately pursuant to Fed. R. Civ. P. 54(b). In that event, Defendants will then move for summary judgment against Saulnier.

Respectfully,

Mark C. Zauderer

cc: All counsel of record (by ECF)